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Human rights questions: implementation of human rights instruments

Status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Report of the Secretary-General**

1. The General Assembly, by its resolution 45/158 of 18 December 1990, adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and called upon Member States to consider signing and ratifying or acceding to the Convention as a matter of priority.

2. In its resolution 56/145 of 19 December 2001, the Assembly called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority; requested the Secretary-General to provide all the facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights; welcomed the global campaign for the entry into force of the Convention, and invited the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify further their efforts with a view to disseminating information on and promoting understanding of the importance of the Convention; and requested the Secretary-General to submit an updated report on the status of the Convention to the Assembly at its fifty-seventh session.

3. As at 20 June 2002, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had been ratified or acceded to by 19 States, namely, Azerbaijan, Belize, Bolivia, Bosnia and Herzegovina, Cape Verde, Colombia, Ecuador, Egypt, Ghana, Guinea, Mexico, Morocco, the Philippines, Senegal, Seychelles, Sri Lanka, Tajikistan, Uganda and Uruguay. In addition, 11 States, namely, Bangladesh, Burkina Faso, Chile, Comoros, Guatemala, Guinea-Bissau, Paraguay, Sao Tome and Principe, Sierra Leone, Togo and Turkey, signed the Convention. The Convention will enter into force when at least 20 States have ratified or acceded to it. Therefore, only one more ratification or accession is needed for the Convention to enter into force.

4. Promotion of the international human rights treaties, including the Convention, is an ongoing priority of the Secretary-General and the United Nations High Commissioner for Human Rights. In his report to the Millennium Assembly of the United Nations (A/54/2000), the Secretary-General stated that the expansion of the rule of law had been the foundation of much of the social progress achieved in the past millennium but remained an unfinished project, especially at the international level, and that

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** This report was submitted on 9 August 2002 so as to include as much up-to-date information as possible.

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support for the rule of law would be enhanced if countries signed and ratified international treaties and conventions. A treaty signature/ratification event was held in parallel with the Millennium Assembly, where 273 treaty actions were taken by 84 States. Encouraged by the public reaffirmation by States of their commitment to the international rule of law, another treaty event which focused on the rights of women and children was organized in 2001. The event attracted the participation of 61 States, which took 135 treaty actions on treaties related to the rights of women and children. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was among the 23 core treaties to which States were invited to pay special attention. In 2002, another treaty event focusing on sustainable development was held in conjunction with the World Summit on Sustainable Development at Johannesburg from 26 August to 4 September 2002. The Convention was one of the 25 core treaties to which States were invited to pay special attention.

5. The importance of ratifying the Convention has also been stressed at the regional level. The General Assembly of the Organization of American States, in its resolution AG/RES.1775 (XXXI-0/01) of 5 June 2001, entitled "The human rights of all migrant workers and their families", resolved to urge the member States of the organization to consider signing, ratifying or acceding to the American Convention on Human Rights and the other instruments of the system, as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

6. On 18 December 2001, International Migrants Day, the Secretary-General called on all Member States which had not yet done so, to ratify or accede to the Convention, and urged Governments and civil society alike to act on the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The World Conference had urged those States that had not yet done so to consider signing and ratifying or acceding to certain instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

7. Under the joint programme of the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme on the strengthening of human rights, one subregional workshop was held in the Marshall Islands, from 6 to 9 March 2001, and another in Fiji, in December 2001, for a group of Pacific island States. These workshops were aimed at raising understanding of the main treaty provisions, examining the implications of ratification and informing Governments of the kinds of assistance that are available from the United Nations if they should wish to pursue ratification. The Convention on the rights of migrants is one of the seven treaties covered by the workshops.

8. Furthermore, the International Steering Committee of the Global Campaign for Ratification of the Convention on the Rights of Migrants, which was established in March 1998 for the purpose of building and popularizing a global campaign to promote the ratification and entry into force of the Convention, continued its activities. The Office of the High Commissioner continued participating in and supporting the initiative. During the fifty-eighth session of the Commission on Human Rights, held from 28 March to 26 April 2002, the Steering Committee, together with the Office, organized a panel discussion aimed at promoting ratification of the Convention. Speakers included the High Commissioner and representatives of the International Labour Organization and the International Organization for Migration, the Special Rapporteur on the human rights of migrants and representatives of several non-governmental organizations. In her introductory statement, the High Commissioner reiterated that the panel had been convened to draw attention to the need for ratification of the Convention. In particular, she pointed out that, as migration flows increased around the world, the need for a new human rights protection regime for migrants became ever more urgent, and that the Convention would open a new chapter in the history of efforts to establish the rights of migrant workers in international law and ensure that those rights were protected and respected.

9. The Special Rapporteur on the human rights of migrants continued to promote adherence to the Convention within the framework of the mandate entrusted to her by the Commission on Human Rights. She has continued to highlight the importance of ratification of the Convention for the full and effective protection of the human rights of migrants.

10. Finally, through the programme of advisory services in the field of human rights, efforts have been pursued by the Secretariat to establish a dialogue with States that have not adhered to international human rights treaties, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.